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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,244	07/30/2001	Anil K. Kumar	INTL-0599-US (P11740)	2277
21906	7590	11/29/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			GREY, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,244

Applicant(s)

KUMAR, ANIL K.

Examiner

Christopher P. Grey

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Finality of the office action mailed on 4/28/2006 is withdrawn.**

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because it is not clear the application software and mobility management state of what device is claimed. No device is claimed as having application software or mobility management state

In claim 2, are the applications the same as the software of claim 1. In addition, it is not clear what is meant by, "continuing with active packet data service applications" because no applications were previously claimed as being in use.

Claims 3, 4, 6 and 8 have similar ambiguity.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 5 discloses an article, which is descriptive material and non statutory because it is not capable of causing functional change. Such a claimed composition does not define any structural and functional interrelationship between the data structure and other claimed aspects of the invention which permit the data structures functionality to be realized.

In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer soft ware and hardware components which permit the data structures functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 5, 6, 9, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosain et al. (US 7092696), hereinafter referred to as Hosain.

Claim 1, 5, 9 Hosain discloses automatically closing packet data service application software (Col 14 lines 21-27) if the mobility management state is idle (Col 8 lines 5-9).

Claim 2, 6, 14 Hosain discloses wherein the mobile subscriber is in a packet data service network, continuing with active packet data service applications if the mobility management state is ready (Col 8 lines 6-7).

Claim 10 Hosain discloses storing (Col 14 lines 41-44) applications (see fig 10, 608, 614). Hosain discloses supporting GSM communication and 3G communication (Col 5 lines 25-34, support of 2G and 3G is inherent within the art).

Claim 11 Hosain discloses wherein said processor is an application processor (Col 14 lines 38-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosain et al. (US 7092696) in view of Walker et al. (US 5771390), hereinafter referred to as Walker.

Claim 3, 7, 15 Hosain does not explicitly disclose if the mobile subscriber is on a packet data service network, suspending the current packet data service applications if the subscriber is in a standby state

Walker discloses a standby state transitioning into a suspend state (fig 3, 306, 320), where the suspend state consists of the management software shutting down various components of the computer system.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the procedure as disclosed by Hosain, to use a suspend state given a standby state and a period of inactivity. The motivation for this modification is for power management (Col 1 lines 10-15).

6. Claims 4, 8, 12 and 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosain et al. (US 7092696) as applied to claim 11 above, in view of Tuomainen et al. (US 20010015963), hereinafter referred to as Tuomainen.

Claim 4, 8, 16 Hosain does not specifically disclose closing all packet data service applications if a mobile subscriber is within the circuit data service network.

However, Tuomainen discloses switching off all functional blocks when not needed, where the functional blocks are dedicated for a packet switched network

(paragraph 0025), therefore if the subscriber is in a circuit switched network, there is no need for some of these functional blocks to be on.

It would have been obvious to one of the ordinary skill in the art to modify the invention of Hosain to recognize that when a subscriber is in a circuit switched network, the subscriber is not connected to the mobility management of the packet switched network (paragraph 0021), therefore there is no need for packet network service data (paragraph 0025). The motivation for this modification is to reduce overall power consumption (paragraph 0025, reduce overall power consumption of the mobile station)

Claim 12 Hosain does not specifically disclose a baseband processor.

Tuomainen discloses a baseband part (para 0025 lines 21-22).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify mobile device as disclosed by Hosain to include a baseband processor as disclosed by Tuomainen, where the baseband part may be used for DSP (para 0025 lines 22-23).

Claim 13 Hosain does not specifically disclose the baseband processor storing a call model.

It would have been obvious to one of the ordinary skill in the art at the time of the invention that a baseband part, such as that disclosed within the rejection of claim 12 may be configured to operate a mobility management function, such as that disclosed in Hosain. The motivation for this configuration is to prevent frequency shifting of sent signals.

Conclusion

7. Applicant's amendment mailed on December 01, 2005, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571)272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Grey
Examiner
Art Unit 2616



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